

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C No. 2028 of 2017

- Shatruhan Yadav S/o Late Rameshwar Yadav, Aged About 39 Years R/o Kasturba Nagar, Police Station Civil Line, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Circle West, Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Raghvendra Pradhan,
Advocate

For Respondent : Mr. Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20.11.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 486/2017, registered at Police Station- Excise Circle, West

Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Sections 34(1) (A), 34 (2) (A) and 59 (A) of the Chhattisgarh Excise Act.

2. The prosecution alleges that the applicant was found to be in possession of illicit liquor of 18 bulk liters and he was arrested on 10.03.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 10.03.2017, therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, earlier as many as eight criminal cases under various provisions of the Excise Act were registered against the applicant and he has also been convicted for commission of offence under Section 36 (c) of the Excise Act and sentenced with fine amount.
5. Taking into consideration the totality of circumstances, in particularly the quantity of liquor seized from the possession of the applicant i.e. 8 bulk liters; the offence is triable by the Magistrate and the applicant is in jail since 10.03.2017, this Court is inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial

Court, for his appearance as and when directed.

7. Certified copy as per rules.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal